

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER**

UNITED STATES OF AMERICA )  
                                )      Case No. 4:18-cr-12  
v. )  
                                )      Judge Travis R. McDonough  
JOSHUA ADAM TALLEY )  
                                )      Magistrate Judge Christopher H. Steger

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**ORDER**

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U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation (Doc. 47) recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to a lesser included offense of Count One of the ten-count Indictment; (2) accept Defendant's guilty plea as to a lesser included offense of Count One of the ten-count Indictment; (3) adjudicate Defendant guilty of conspiracy to distribute a mixture and substance containing a detectable amount of cocaine base, also known as "crack," a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846; and (4) order that Defendant remain in custody until sentencing in this matter.

Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 47) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to a lesser included offense of Count One of the ten-count Indictment is **GRANTED**;

2. Defendant's plea of guilty to a lesser included offense of Count One of the ten-count Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of conspiracy to distribute a mixture and substance containing a detectable amount of cocaine base, also known as "crack," a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846; and
4. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **October 19, 2018, at 9:00 a.m.** before the undersigned.

**SO ORDERED.**

*/s/ Travis R. McDonough*  
**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**